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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/379,699	08/24/1999	JEFFRY JOVAN PHIYAW	PHLY-24-747	1610

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EXAMINER

ZIA, SYED

ART UNIT	PAPER NUMBER
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2155

12

DATE MAILED: 11/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/379,699

Applicant(s)

PHIYAW ET AL.

Examiner

Syed Zia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 03 September 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. This office action is in response to amendment filed on September 03, 2002 (Paper No. 11).
2. Original application contained Claims 1-9. Applicant amended Claims 1, 2, and 9. Applicant left unchanged Claim 3-8. Claims 1-9 are pending for further consideration.

### ***Response to Arguments***

1. Applicant's arguments filed September 03, 2002 have been fully considered but they are not persuasive because of the following reasons:

Applicant has amended Claims 1, and 9 by adding the feature of “ automatic response to the step of extracting, and assembling a message packet associating network routing information with the extracted product code information, thereby enabling the interfacing over the network This is not found persuasive. APA (admitted prior art) clearly teaches a method assembling and transmitting message packet after associating networks routing information with extracted product code information. (Fig. 3-5 and col. 8 line 33 to 63, and col.10 line 21 to col.12 line 21). As a result, APA does implement a method for automatic response to the step extracting product code and associating this with network routing to assemble message packet for transmission.

2. Applicants clearly have failed to explicitly identify specific claim limitations, which would define a patentable distinction over prior arts.

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The examiner is not trying to teach the invention but is merely trying to teach the claim language in its broadest and reasonable meaning. The examiner will not interpret to read narrowly the claim language to read exactly from the specification, but will interpret the claim language in the broadest reasonable interpretation in view of the specification. Therefore, the examiner asserts that APA does teach or suggest the subject matter broadly recited in independent claims 1. Dependent claims 2-9 are also rejected at least by virtue of their dependency on independent claims and by other reason set forth in the previous office action (Paper No. 9). Accordingly, rejections for claims 1-9 are respectfully maintained.

### ***Drawings***

1. The drawings filed on August 24, 1999 are objected and subject to correction of the informalities indicated on the attached "Notice of Draftsperson's Patent Drawing Review," PTO-948.

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C.

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122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-9 are rejected under 35 U.S.C 102(e) as being anticipated by Hudetz et al., US Patent No. (5,978,773).

3. Regarding claim 1 Hudetz teaches a system and method for using identification codes found on ordinary articles of commerce to access remote computers on a network and comprises a method for utilizing a product code having product information contained therein for interfacing over a network, further comprising the steps of

- extracting the product information from the product code, which product code is disposed on or in close association with an associated product (Fig. 3 and col. 6 line 20 to line 32); and
- in automatic response to the step of extracting, assembling a message packet associating network routing information with the extracted product code information, thereby enabling the interfacing over the network (Fig. 3-5 and col. 8 line 33 to 63, and col.10 line 21 to col.12 line 21)).

4. Regarding claims 2- 4 are rejected as applied above in rejecting claim 1. Furthermore Hudetz teaches method of extracting product information wherein

- the product code is machine-readable code (col.5 line 3 to line 5),
- the step of extracting comprises scanning the machine-readable code to extract the product code information (col. 6 line 28 to line 32),

- and machine-readable code comprises a bar code (col. 10 line 12 to line 20).

5. Regarding claims 5- 7 are rejected as applied above in rejecting claims 4. Further more Hudetz teaches other formats and system for assigning product identification numbers such as UPC, ISBN and EAN (col. 6 line 34 to line 45).

6. Regarding claims 8 and 9 are rejected as applied above in rejecting claim 1. Furthermore Hudetz teaches a method interfacing with the network utilizing the associated network routing information (Fig.4-5, col.7 line 2 to col.8 line 10) and comprises of

- associating the network routing information with the product code information in response to the step of extracting (Fig.4 and col.7 line 2 to 16) comprises the steps of

- accessing a remote location on the network from the user's location at which the product information is extracted (col. 8 line 17 to line 20);

-transmitting the product code information to the remote location over the network (col. 8 line 42 to 47 and col. 9 line 14 to line 21)).;

-comparing the product code information with an associative database having stored therein associations with a plurality of product code information and associated routing information and determining if there is a match (col.8 line 47 to col.9 line 21);

-if there is a match, returning the routing information to the location at which the product code information was extracted for assembling into the message packet. (col. 8 line 4 to col.8 line 10, col. 10 line 45 to col. 11 line 39).

***Conclusion***

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed Zia whose telephone number is 703-305-3881. The examiner can normally be reached on Monday - Friday 9:00 AM to 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 703-305-9648. The fax phone numbers for the

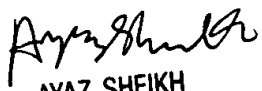
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organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-746-7240.

SZ

November 15, 2002

  
AYAZ SHEIKH  
SUPERIOR PATENT EXAMINER  
TECHNOLOGY CENTER 2100